S.B. Civil Writ Petition No.8308/04
Director, National Capital Region Project & Secretary
Vs.
Jai Pal & Anr.

Date of Order : 27/03/2006

Hon'ble Mr. Justice Ajay Rastogi

Mr. Ajay Tantia, for petitioner
Mr. Manish Bhandari, for respondent

Instant petition has been filed against the award passed by the Industrial Tribunal dt.6th August, 2004.

Facts of the case as considered by the Tribunal are that the respondent-workman joined service as Beldar in July, 1981 and his services were terminated w.e.f. 1st June, 1984, which was challenged by him before the Tribunal where the order of termination was set aside vide award dt.12th October, 1993 and he was ordered to be reinstated in service. In consequence whereof, he was allowed to join service on 21st April, 1994 and after joining service, he was declared semi-permanent w.e.f. 29th September, 1994. Thereafter, the workman raised the dispute that once his termination has been set aside and he has been ordered to be reinstated with continuity of service, he is entitled for conferment of semi-permanent status on completion of two years of service under Rule 3(3) of the Workcharged Rules, 1964 from the date of initial appointment.

Learned Tribunal after taking into consideration the material on record, recorded a finding that the workman is entitled for conferment of semi-permanent status on completion of two years from the date he initially joined service. Hence, this writ petition.

Only objection raised by the counsel for petitioner is that despite workman being conferred semi-permanent status w.e.f. 29th September, 1994 without the same being assailed, the relief, which has been granted to him vide impugned award, is without authority and no interference could have been made by the Tribunal in the absence thereof.

In my opinion, the very submission made by the counsel is without any substance. The grievance raised by the respondent-workman before the Tribunal which came for adjudication was that he became entitled for conferment of semi-permanent status from the date he completed two years of service and the same has been adjudicated by the Tribunal and it goes without saying that it questioned the conferment which was made w.e.f. 29th September, 1994.

The finding recorded by the Tribunal with regard to conferring him semi-permanent status from 1st August, 1983 is duly supported by material on record, requires no interference by this court.

Consequently, the writ petition stands dismissed.

[Ajay Rastogi],J.

FRB